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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,420	06/14/2006	Yoshihiro Goto	1141/76407	1687

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COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

EXAMINER

HEIDEMANN, JASON E

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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07/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/583,420

Applicant(s)

GOTO, YOSHIHIRO

Examiner

Jason Heidemann

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 June 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Matthew C Bella/
Supervisory Patent Examiner, Art Unit 2624

/Jason Heidemann/
Examiner, Art Unit 2624

Continuation of 3. NOTE: The amendment to the claims received on 06/20/2010 will not be entered, specifically since, applicant has amended each of the independent claims, with the limitation as recited in Claim 1,

"(j) obtaining, by the image processing apparatus, a second closed contour similar to the first closed contour by enlarging or reducing the first closed contour; and (k) extracting, by the image processing apparatus, a region including a stratified region held between the first closed contour and the second closed contour. ", further, although not indicated in the claims, applicant deleted the line from the current pending claim 1, "so that at least two selected element graphics overlap with each other"

And in regards to the limitations recited in claim 14, applicant added "(q) enlarging or reducing one or more partial regions with a predetermined magnification; (r) combining the one or more enlarged or reduced partial regions, and synthesizing at least a part of a desired region being enlarged or reduced; (s) making at least a partial contour of at least a part of the enlarged or reduced desired region similar to the first closed contour as a second closed contour; (t) extracting, by the image processing apparatus, a region including at least a stratified region held between the first closed contour and the second closed contour", and further, although not indicated in the claims, applicant deleted the line from the current pending claim 14

And in regards to the limitations recited in claim 20, applicant added "(q) enlarging or reducing one or more partial regions with a predetermined magnification; (r) combining the one or more enlarged or reduced partial regions, and synthesizing at least a part of a desired region being enlarged or reduced; (s) making at least a partial contour of at least a part of the enlarged or reduced desired region similar to the first closed contour as a second closed contour; (t) extracting, by the image processing apparatus, a region including at least a stratified region held between the first closed contour and the second closed contour", and further, although not indicated in the claims, applicant deleted the line from the current pending claim 19. Further, although not indicated in the claims, applicant deleted the line from the current pending claim 19, "at least two selections of element graphics, and the calculating means, for each of the at least two selected element graphics, approximates at least a partial contour of the selected element graphics to at least a partial contour of the desired region, so that at least two selected element graphics overlap with each other" where the underlined claim limitations, and the deletions to the independent claims require further consideration and/or search to determine patentability. .